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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

U.S. Patent & TM Office/TM Mail Report Dt. DP 900



05-28-2002

Baxter International Inc.,

Opposer,

v.

Inviro Medical Devices Ltd.,

Applicant.

Opposition No. 91150298

Application No. 76/151,380

**OPPOSER'S CONSENTED MOTION TO EXTEND DISCOVERY PERIOD**

Pursuant to 37 C.F.R. § 2.127, Opposer, Baxter International, Inc., with the consent of Applicant, Inviro Medical Devices, Ltd., hereby moves to extend the closing date of the discovery period in the above-referenced Opposition for ninety (90) days from June 30, 2002 to September 30, 2002. In support of this motion, Opposer states as follows:

1. On March 15, 2002, Opposer served Applicant with Interrogatories and Requests for production.
2. Applicant served Opposer with initial discovery requests on March 27, 2002.
3. Both parties gave the other 30 day extensions of time in which to respond, requiring Applicant's responses due on May 19, 2002 and Opposer's responses due on May 31, 2002.
4. On May 17, 2002, counsel for Applicant and Opposer agreed to grant the other an additional month in which to respond. Therefore, currently, Applicant is due to provide responses on June 19, 2002 and Opposer is due to respond on July 1, 2002.

5. The current discovery cut-off date is June 30, 2002. Because both parties require time to review the other's documents and may need to take depositions and further discovery, both parties have agreed to the necessity of an additional 90 days past the current deadline.

6. Given that both parties have agreed to the extension, neither party will be prejudiced by a ninety day (90) extension.

WHEREFORE, Opposer, with Applicant's consent, respectfully requests a ninety day extension to the current discovery period, setting the new deadline at September 30, 2002.

Respectfully submitted,

Attorneys for Opposer,  
Baxter International, Inc.,

Dated: May 22, 2002

By: 

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**CERTIFICATE OF MAILING**

I hereby certify that this **OPPOSER'S CONSENTED MOTION TO EXTEND  
DISCOVERY PERIOD** is being deposited with the United States Postal Service as first  
class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900  
Crystal Drive, **Box TTAB-NO FEE**, Arlington, Virginia 22202-3513 on May 22, 2002.

Date: May 22, 2002

  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this **OPPOSER'S CONSENTED  
MOTION TO EXTEND DISCOVERY PERIOD** has been served by first class mail to:

Duane M. Byers  
Nixon & Vanderhye P.C.  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714

on May 22, 2002

  
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